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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,468	08/20/2003	Eric S. Barnes	A3175-US-NP	5956
75931 7590 12/17/2008 BASCH & NICKERSON LLP 1777 PENFIELD ROAD PENFIELD, NY 14526				
EXAMINER KASSA, HILINA S				
ART UNIT 2625		PAPER NUMBER		
NOTIFICATION DATE 12/17/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/644,468

Applicant(s)

BARNES ET AL.

Examiner

HILINA S. KASSA

Art Unit

2625

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 2 and 8-29.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625

Continuation of 11, does NOT place the application in condition for allowance because: The arguments are not persuasive. Applicant argues that Seseck et al. fails to disclose "obtaining a list of document components from the page and identifying any non-cached components".

With respect to the argument, Seseck et al. disclose a dynamic web-page which may be a form with multiple fields to be filled in by the user (document components) when a print request is received, the user entered data from the form is rendered and reprinted (note that this is the static data i.e. the list of document components. Also, the static portion is rendered because it is identified as a non-cached components) (paragraph [0049], lines 10-16). Therefore, Seseck et al. disclose the stated argument.

Applicant argues that Padgett et al. fails to disclose "assessing of a rendered page for the possibility of having an underlay-overlay pair" and "search of a cache of reusable underlays for underlays having the reusable document components needed by the page"

With respect to the argument, Gauthier discloses searching of a cache of reusable underlays for underlays having the reusable document components needed by the page (paragraph [0009], lines 7-12; note that the once the variable data is stored the graphics states can be repeatedly i.e. reused or applied to the items of variable data from multiple variable data bitmaps). And "assessing of a rendered page for the possibility of having an underlay-overlay pair", Padgett et al. in column 11, lines 9-25; disclose the page or region gets checked to see if there is any underlay-overlay i.e. overlapping blocks or highlighted words to check for overlap. Also, in column 7, lines 40-48; it is stated that the image description can reference to the stored rendered character i.e. cached components. Thus, the argument made is not persuasive. Gauthier and Padgett et al. are combinable because they are from the same field of endeavor i.e. presentation processing of document. The suggestion/motivation for doing so would have been in order to acquire a fast, reliable and efficient method to highlight overlapping boundaries/regions (column 3, lines 26-30). Therefore, it would have been obvious to combine Gauthier with Padgett et al. to obtain the invention as specified in the stated argument.

Applicant argues that Brintzenhofe et al. fails to disclose "a page description language interpreter that combines some of the reusable document components into composites of reusable document components" and "combines some of the reusable document components with respect to the relative positions of the reusable document components into composites of reusable underlays"

With respect to the argument, Brintzenhofe et al. disclose With respect to Applicant's argument, "said page description language interpreter combining some of said reusable document components into composite of reusable document components; and said page description language interpreter combining some of said reusable document components with respect to the relative positions of said reusable document components into composites of reusable underlays", in paragraph [0150], lines 1-13, Brintzenhofe et al. disclose how contents may be added to a composition and how each tree or component is changed accordingly. In figure 19, it is shown that the content m design and media trees before combining and after combining. Also, in paragraph [0151], lines 1-11, it is disclosed that the components are combined with respect to the relative position i.e. empty text region. Thus, the argument made is not persuasive. Gauthier and Brintzenhofe et al. are combinable because they are from the same field of endeavor i.e. presentation processing of document. The suggestion/motivation for doing so would have been to efficiently utilize document combination and to have a system that adapts the content to be able to fit a variety of media based upon changes to either the content or to the design (paragraph [0010], lines 1-4). Therefore, it would have been obvious to combine Gauthier and Brintzenhofe et al. to obtain the invention as specified in the argument.